G R S App F IX 4]

Previous References

1947 - 48
(Mul)

File No. 91-47

Serial Nos 47, 48 - 49

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

three

Part B for April 48

SUBJECT

Petn of against the Grant of Kumri land to Mr Narayana Gowda Bangalore

L 16222 of 24-4-48

Mr P Seetharama Setty Fruit merchant & Co Pavagada Venkataramana naik lane B'lore

State that he may approach the Mul Council B'lore etc

Dis 91-17-116

9701
L ~~Dep 30-4-47~~

petition from Mr P Veerasawmy, Thegalayet-
ty area boy city requesting that the municipal vacant-
land measuring 880 sq feet near his house be
granted to him

Ministers Minute

1) Please call for a report from the Municipal Comm
Vide TCM p

2) A memo calling for a report is put up

3) Done
3/6 To the Mr. Comm 18/10
L 17424
19 6 47
Ramanda calls for a report

Sus A) Letter No A7 Dr 126/46-47 Dy 9-9-47 from
L the Mr Comm, Beau, forwarding a report
in the matter

4 The report received from the Mr Comm,
Beau is submitted for perusal
The Mr Comm reports that it is not Possible
or feasible to Consider the Petitioner's appeal
in View of the facts stated in the letter.

9701 ✓ 1486
2

Submitted with reference to Para 1 supra

19/9. 5 The municipal comm. states that the site in question was granted to one Mr Narayana Pandya, owner of the house No 16 at Rs 15 per mlc sq yd & that the site had commenced to be used by the petitioner Mr. Srinivasachary, who was prosecuted for having unauthorisedly opened windows towards the Municipality land. Refer para 1 above

19/9 1) for perusal & orders with reference to para 1 supra

received on 19-9-47

Minister (Edn & PH)

OFFICE OF THE ... FOR EDUCATION & P ... Date 23/9 No 2090

23/9/47

1) 25/9/47

25/9

Secretary

Sanction dispatched. The Papers will be deposited

27/9 Dy. 27-9-47

Dep 2/10

Secretary

2625
/ 111

Petition from M P Srinivasa Setty -

Trust merchant, 165, Pavagada Venkataramana Naik Lane, Bangalore City, protesting against the grant of municipal land to the west of his premises No 165 (old) and (152) New in Pavagada Venkataramana Naik Lane, Bangalore City to one Mr Narayana Gowda

(1) Minute of the Minister for City Municipal Affairs and Mr Lavan

"Report on the points raised be obtained and sent"

Sd/ P S Setty

(2) A memo calling for a report from the Municipal Comr Bangalore City is sent up

(3) (1) ~~3)~~ Appreciation a/c of the petn. expressing apprehensions regarding

29/11/47

29/11 Mr P 29/11/47

(3) (2) ~~4)~~ the petn. expressing apprehensions regarding

29/11/47

L. 11293

29.11.47

To

The Municipal Comr

L 11293 of 29-11-47

Enquiries for an early report

2625 - 2714

petition dated 27-11-47 from Mr. P Sreenivasa Setty, requesting that, pending disposal of his appeal petition, a stay order may be passed prohibiting Mr Narayana Gowda from making any construction on the land in question

14) Revenue Law/stay orders

May be submitted to the Minister for orders"

Sd/- A.A

15) The appeal petition of Mr P Sreenivasa Setty has been forwarded in original to the Municipal Commissioner, Bangalore City - for furnishing a report

16) The petitioner wants a stay order

2714

Prohibiting the Narayana Gowda from making any construction on the land in question. This is for orders

17) 4) A stay order is asked for on the ground that Sri Narayana Gowda is proceeding with the Construction on the land hurriedly and that he will cause further complications

29/11

29/11

Pr 29-11-47 4) For orders - if a stay order may be issued in the case as prayed for - representation from new site

29/11/47

5622 1/12

196 1-12-47 Ministers. C. Rules & Regs. 1) Issue stay order

1/12/47

2/12/47

2/12

20-12-47 Appt adjourn 2/12

2/12/47

21-12-47 Lwd with a short letter

24/12 Pr adjourned 22-12-47 Issue adjournment

24/12/47

2745 31 31

To

M/s P Sreenivasa Setty

165- Basavanagudi Venkatesvarama Road Lane.

Bangalore city-

1482 — d 3-12-47

Encloses that the authorities concerned have been requested that pending orders on these petitions, further proceedings in the matter should be stayed

To The Municipal Commissioner

1149 3d 3-12-47

Asks copy for necessary action and expediting the reply called for

From M/s P Sreenivasa Setty

Fruit merchant-

165- Basavanagudi Venkatesvarama Road Lane.

Bangalore

States that Mr Narayana Gowda is proceeding with the construction of the building and requests that the stay order may be ordered to be served on the building

immediately pending disposal of his petition for the land

23-11 Municipal Minister

Revenue Secretary"

Sd/- P.S. Setty
13/12/47

24/11 Submitted with a draft letter to the Municipal Comm Bangalore City

Sd/- Illegible
25/11

Sd/- 11/12/47

To The Municipal Comm

11809 dt 16-12-47

Remarks for the report from the Municipal Comm Bangalore City A.T.D.R 126 dated 19-1-48

Sd/- A)

Furnishes a report on the petition of Mr P Sreenivasa Setty, protesting against the grant of municipal land to Mr Narayana Gowda No 16 - Pavagada Venkataramana Naik Lane - Bangalore City and suggests that the matter be dropped

Sd/- P

2) In his petition dated 17-11-47 Mr P Sreenivasa Setty, Firm merchant, has protested against the grant of municipal land to the west of his premises no 152 in the Pavagada Venkatarama Naik Lane - Bangalore City - to one Mr Narayana Gowda

3131 5 4285

Continuation Sheet | File No / Current No | of | Page

27) A notice has also been issued by the Municipal Commr to Mr Narayana Gowda directing him to stop further construction instead further orders in the matter

28) It is seen from the Municipal Commissioners report dated 19-1-48 that the allegation that Mr Narayana Gowda tried in the year 1947 to obtain the marginland is incorrect and against the facts of the case

29) It is also reported that the land was given away to Mr Narayana Gowda at Rs 15- per Sqr yard which is the existing market value of the surrounding locality

30) The Municipal Comm has suggested that the matter be dropped

31) Refer paras 10 and 19 supra

32) The point for consideration is whether the Mcl was within its rights in having disposed of the land in question for building purposes instead of utilising it for a public purpose for which it was acquired in 1929-30. That was for the construction of a public latrine in the Dhoby. Later on the Mcl wanted to keep it vacant & it was

reserved for cattle track. On this
A point the views of the Law Department
may perhaps be obtained
further. The petitioner has certain
easement rights which he should be
allowed to exercise as regards the
grant of, at least half the portion of
the vacant land was quite reasonable
It is not known why this request was
not complied with by the MLA, in
spite of repeated requests from the petitioner
further information on this point with
above named, after the Land Commi
is received on the point raised
at para

33) In the light of facts
reported by the municipal
Commr, it appears to be
desirable that the matter
is dropped, as it has already
been once considered
by Govt, and as the reports that
the building in question
& wada is pucca, as

5102
Cum

is nearing completion -
It is therefore a point for consideration
whether ~~that~~ any re-opening of this
question at this stage would
not complicate matters.

Minister
C. Rels & Imm

8
10/2/48
for

MINISTER FOR CITY
COMMONWEALTH AND NATIONAL
No 1113
Date 10-2-1948

34) The opinion of the Law Secretary
may be obtained as
suggested at A. Pl. 6/3

DEPARTMENT
Date 6/3

for

35
Law Secy
w/c

DEPARTMENT OF LAW
SYDNEY
8 MAR 1948
8/3

8
6/3

for 8/3

5102/G

grant of land in Narayan Gunta

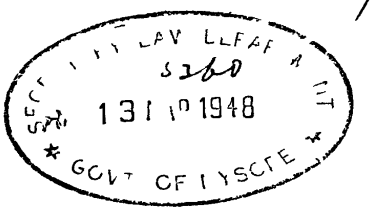
B'CD

4235/VI

4025

36) The point for consideration is whether the Municipal Council was within its rights in disposing of the land in question for building purposes instead of utilising it for public purpose, viz construction of public latrine, for which it was acquired as early as 1929-30 It is seen from the papers that the land in question had been kept vacant also from time to time When land is acquired for a specific purpose, it is not ordinarily open to the authorities to use it for a different purpose, but Their Lordships of the Privy Council have held that it may be so used for another legal purpose so long as no nuisance is created It also has been held that land acquired for one purpose may be used for other authorised purposes It was held in A.I R 1927, Calcutta, 874, that a Municipality is justified in using the land for any purpose for which the statute authorised it to use land although not for which it was professedly taken The land in the above case was acquired for a public ghat, but the Municipality made a ghat upon a part and used the rest for a market

37) Submitted with reference to the Minute of the Minister for City Municipalities and Muzrai at para 34 supra

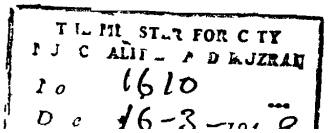


Law Secy) 12/3

Min City Mun & Muzrai Dept) 38 13/3

12/3

15/3



1

(38) The person from whom the land was required, applied for the land ~~available~~ being cobbleach. To him as well was 2nd case for the purpose for which it was required. This has been dealt to Lonie & the person. I would like to discuss with the Secretary as his opinion is not clear to me. [illegible]

17/3/48

Lawsec
SWC

17/3/48

THE MINISTER FOR CITY
No 1610
Date 16-3-1948

The observations were made in paras 36 & 38 [illegible] thanks to the evidence of the Council for such action as they thought fit. The position is now clarified [illegible]

11/4/48.

12/4

Submit with two drafts
for appl.

18/4/48

Rev-Secy)

Appd

Issue
14/4/48

16/4/48

1486 4285 title

The Kind draft of future for consideration

To The Mll town Bareilly etc

16221 d 24-4-48

Issues instructions accordingly

To Mr P Sreenivasa Setty

16223 d 24-4-48

Endorses that he may approach

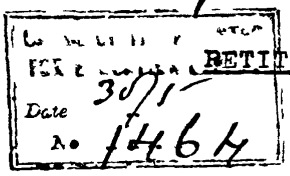
the municipal town in the matter

13

Please
Call for a
report from
the Municipal Commr
J.H.
27/5/47
Rw tecy

To

The Minister for Health and Self Government,
Government of Mysore,
BANGALORE.



PETITIONER:- Putha Srinivsa Setty,
Owner of House No. 165,
Pavada Venkataramana Naik's Lane,
Thigalarpet,
Bangalore City

The petitioner abovenamed most respectfully showeth -

1. That to the west of the petitioner's house there is a Municipal vacant land measuring East to West by 22 feet and North to South by 40 feet with a total measurement of 880 Square Feet.

2. That upon enquiry the petitioner learnt that the above mentioned vacant land is to be granted to one Mr Narayana Gowda, owner of house No. 16 towards Eastern side of the vacant land.

3. That upon this the petitioner put in a petition to the Commissioner, City Municipality, Bangalore City for the following reliefs on 28-4-1947 a copy of which is sent through registered post to your Honour

(a) That the whole land be given to the petitioner on a decent payment

(b) That if it is deemed that the petitioner and Mr Narayana Gowda are next house owners

Ag DR 126/1947

Memo

Copy of forwarded to the Municipal Engineer and the Revenue Officer for an immediate report in the matter

for the Commissioner
23/6/47

XC 11
25/6/47

owners each to be given half the portion on equitable grounds.

(c) That if it is decided that the vacant land is ~~xxxxx~~ reserved for the crowded locality, if might be so reserved

Despatched on 27/6

(d) or That if it is decided that this land is a valuable property, this may be kept for public auction so that the land might fetch the Municipality a decent amount.

4 That the petitioner's application is yet pending and did not receive any endorsement on that application and the petitioner learns that his application is -- before the Council.

5. That these matters are yet pending on one side and on the other hand the petitioner learns that the property in question is given possession to Mr. Narayana Gowda on the other hand. This is against to Law and principals of common sense.

So the petitioner prays that your Honour will be kind enough to inspect the spot and orders may kindly be passed for a correct decision in the matter.

For which act of kindness the petitioner shall ever pray for your Honour's long life and prosperity.

Memo No 17824 dated 19 6 47

Forwarded with Compliments, to the Municipal Commissioner Bangalore city for favour of a report as to the proposal contained in the petition

Your most obedient & humble servant,

9046

ಅರ್ಜಿದಾರರು

PETITIONER.

20/6/47

for Revenue Secretary

BANGALORE CITY MUNICIPALITY

ML 91-47-47

No A/. DR. 126/46-47.

MUNICIPAL OFFICES,
BANGALORE CITY

Encl 3 Resolution Copies and one application

Dated 9th September 1947

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

1486/47

To

Syed Abdul Aleem, Esq, B.A,
Secretary to Government of Mysore,
Revenue Department, Bangalore

Subject - Grant of margin land adjoining house No 16 in Pavagada Venkatramana Naik lane, V Division to Mr Narayana Gowda.

With reference to your memo No L 17124 dated 19-6-1947 forwarding for report the petition of Mr P Srinivasa Setty on the above subject, I have the honour to state that on request of Mr Narayana Gowda, owner of house No 16, the Municipal Council at their meeting held on 7-12-1946 have approved the resolution of the City Improvement Committee dated 18-10-1946 granting the margin land measuring 69 9 Sq Yds at Rs 15/- per sq yard Subsequent to this grant, the petitioner Mr Srinivasa Setty objected the grant in favour of Mr Narayana Gowda and the subject along with his objection came up before the City Improvement Committee for reconsideration The City Improvement Committee at their meeting held on 22-4-1947 upheld the Council resolution dated 7-12-1946 and rejected the application of Mr P Srinivasa Setty Thereupon Mr Narayana Gowda paid the sum of Rs.1048/8/- towards the cost of the margin land and possession of the property was duly handed over to him on 27-5-1947 In the meantime the petitioner Mr Srinivasa Setty has opened windows towards the margin land unauthorisedly and without obtaining a license A prosecution in this behalf is now pending before the Second City Magistrate's Court in C.C No 72/47-48 Under these circumstances it is not possible or feasible to consider the petitioner's application.

Copies of the resolutions of the City Improvement Committee and the Municipal Council under reference along with the memo No L 17-124 dated 19-6-1947 in original are herewith enclosed for favour

P T O

favour of reference.

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

PROCEEDINGS OF THE MUNICIPAL COUNCIL MEETING DATED 7-12-1946

Opinion of the City Improvement Committee dated 18-10-1946 that the land adjoining No 16, Pavagada Venkataraman Naik Lane may be given to the owner of the said No , Mr Narayana Gowda at Rs 15/- per sq yard with the usual conditions

Resolution - A P P R O V E D

Sd/- P Shivashanker,
Honorary President

"Copy"

Municipal Commissioner

PROCEEDINGS OF THE CITY IMPROVEMENT COMMITTEE DATED 22-4-1947

In the matter of grant of margin land by the side of No 16 Pavagada Venkatramana Naik Lane to Mr Narayana Gowda at Rs 15/- per Sq yard Objection petition from Messrs Muniswamappa and Srinivasa Setty against the sanction Petition from Mr N Munivenkatappa, neighbour, that he has no objection to the grant to Mr Narayana Gowda (Spot Inspection)

Resolution - Council resolution to be upheld and land given to Mr Narayana Gowda Application of Mr Srinivasa Setty and Muniswamappa is rejected

Sd/- A J Khaleel,
Chairman

"Copy"

Municipal Commissioner

PROCEEDINGS OF THE CITY IMPROVEMENT COMMITTEE DATED 18-10-1946

Opinion of the City Improvement Committee dated 5-7-1946 referring the application of Mr Narayana Gowda for grant of margin land adjoining No 16, Venkatramana Naik Lane, to the Engineer for report Also Engineer's report that the area of the available land is 75 9 Sq yards and is worth Rs 20/- per sq yard

Resolution - May be granted to the party at Rs 15/- per Sq yard with the usual conditions

Sd/- P Shivashanker,
CHAIRMAN

"Copy"

Municipal Commissioner

L A C 87 of 29-30

Award under Section 11 of the Land Acquisition Regulation

Re-- the acquisition of Door No 153 in Pavagada Venkatanaikappa Lane, V Division, Bangalore City, declared under Notification No L 6844/M1 56-29-51 dated 26th March 1930 for constructing a public Latrine in V Division

1 The extent of the land notified for acquisition is as follows -

(1) Vacant land $\frac{22\frac{3}{4} + 20\frac{1}{2}}{2} \times \frac{34\frac{1}{2} + 33\frac{1}{2}}{2}$ = 735 25 Sq ft

(2) -do- $\frac{22\frac{3}{4}}{2} \times 4$ = 45 50

Total 780 75 Sq ft

= 86 75 Sq yards

Preliminary notice under SS 9-10 L A R was served on the notified khathedar V Papanna on 30-4-30 requiring him to appear on 7-5-30 He appeared on 10-5-30 and prayed for some time to file a written statement The case was posted to 26-5-30 on which date he filed a written statement stating that the measurements notified were correct, that he was the sole owner of the property and he would claim Rs 1200/- for the land and Rs 100/- for the basement besides the usual statuary allowance of 15 % His claim is very high since the property is situated in a congested locality

Adopting the Municipal Engineer's valuation as reasonable an award of Rs 299/- is made as detailed below

(1) 86 75 Sq yards of land at Rs 3/- per square yard	Rs 260- 4- 0
Statutary allowance at 15 %	Rs 39- 0- 7
	Rs 299- 4- 7

or Rs 299/- only

Rs Two hundred and ninety nine only

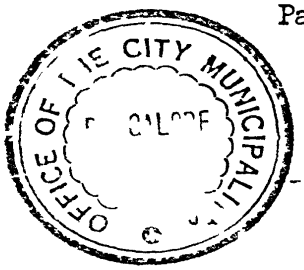
Award and surrender notice will issue to the party

The Municipal Engineer will take possession of the property

Bangalore City,
Dated 19-6-1930

Sd/- C Machiah,
Commissioner,
And
Land Acquisition Officer,
Bangalore City

Paid on 15-2-32 by cheque No D 74198 dated 15-2-1932



Sd/- P H Krishna Rao,
Municipal Commissioner,
Bangalore City Municipality

Copy applied by Mr P Srinivasa Setty
Copy applied on 4-11-47
Copy ready on 7-11-47
Copy delivered on 7-11-47
Copied by S Lakshminarayanaswamy
Compared by P Venkataroyappa Reddy.
Copying and comparing fee 0-15-0

"TRUE COPY"

for Municipal Commissioner,
Bangalore City Municipality

No 15

Proceedings of the meeting of the Municipal City Improvement Committee meeting held on Wednesday the 25th November 1931 at 8 A M for the consideration of the following subjects of the 5th Division.

Present

1 The Municipal Commissioner
2 H F Marker, Esq , L C E etc
3 B S Shankarappa Setty, Esq
4 W H Hanumanthappa, Esq ,
5 Ramalal Thiwari, Esq ,
6 B L Byanna, Esq ,
7 S K Venkataranga Iyengar, Esq , B A , LL B
Mr D Venkataramanappa was also present

Absent

1 The Honorary President
2 G H Krumbiegal, Esq , F R H S
3 Hosakote Bhadrappa, Esq ,
4 S V Srinivasa Setty, Esq ,
5 The Health Officer

Subject

9 To consider (a) petition dated 19th August 1930 from Mr V Papanna, City Market, Bangalore City, praying for the grant of a piece of Municipal land to the south of Municipal latrine near Sri Anjaneyaswami Temple in Ulsurpet in exchange of his lands acquired by the Municipality in Pavagada Venkataramanappa lane, and (b) also petition dated 19th June 1931 praying that as the land acquired from him has not been used for the construction of a public latrine, the same may be given back to him

Also Honorary President's memo thereon

Resolution - (a) No land be given in exchange

(b) The land acquired from the party cannot be given back to him It should be kept open A rapid growing plant may be put in at the centre

Sd/- P H Krishna Rao
Municipal Commissioner

Copy applied by Mr P Srinivasa Setty
Copy applied on 17-10-47
Copy ready on 20-10-47
Copy delivered on 20-10-47
Copied by S Lakshminarayana Setty
Compared by Venkatarojaready
Copying and comparing fee 0-9-0

"TRUE COPY"
C A ——— Manager
for Municipal Commissioner
Bangalore City Municipality

19/41

Proceedings of the C I C meeting held on Tuesday the 15th December 1942 at 8 30 A M

Present

1 V Venkataswami Chetty, Esq , Chairman
2 The Health Officer
3 The Municipal Engineer
4 Special Officer, City Drainage Division
5 Government Architect
6 Ramalal Thiwari, Esq ,
7 K Ganga Setty, Esq ,

Absent

1 K Hanumanthaiya, Esq , B A , LL B ,
2 W H Hanumanthappa
3 R Subbanna, Esq ,
4 The Municipal Commissioner
5 K Shamaraja Iyengar, Esq , B A
6 B Narasimhiah, Esq

---

1 Application of Sri Doddavenkatamma, No 14, Tigalarpet, that the vacant land between Nos 15 and 16 in Pavagada Venkataramana Naik Lane, may be granted to her for upset price Also Municipal Engineer's report that 73½ Sq yards of land is available

Resolution - Cannot be given May be reserved for cattle shed Comprehensive scheme may be put up at an early date

---

Sd/- V Venkataswamy Chetty
Chairman

Copy applied by Mr P Srinivasa Setty
Copy applied on 17-10-47
Copy ready on 20-10-47
Copy delivered on 20-10-47
Copied by S Lakshminarayana Setty
Compared by P Venkata Rayappa Reddy
Copying and comparing fee 8-9-0

"TRUE COPY"

for Municipal Commissioner,
Bangalore City Municipality

OFFICE OF THE CITY MUNICIPALITY BANGALORE CITY

Proceedings of the meeting of the City Improvement Committee held on 22nd April 1947 at 8 30 A M

Present

1 A J Khaleel, Esq , B A , B L ,
2 K M Naganna, Esq ,
3 C Chenniah, Esq ,
4 D Venkataramanappa, Esq ,
5 Singam Rangaswamappa, Esq ,
6 B N Gupta, Esq ,
7 G V Ramachar, Esq , B A , LL B
8 The Municipal Commissioner
9 The Health Officer,
10 The Municipal Engineer

Absent

1 M Krishnaswami Pillay, Esq ,
2 The Government Architect
3 The Engineer Officer, City Improvement Trust Board, Bangalore

---

8 In the matter of grant of margin land by the side of No 16, Pavagada Venkataramana Naik Lane to Mr Narayana Gowda at Rs. 15/- per sq yard Objection petition from M/s Muniswamappa and Srinivasa Setty against the sanction Petition from Mr N Munivenkatappa, neighbour, that he has no objection to the grant to Mr Narayana Gowda (Spot Inspection)

Resolution - Council resolution to be upheld and land given to Narayana Gowda Application of Srinivasa Setty and Muniswamappa is rejected

Sd/- A J Khaleel,
Chairman

Copy applied by Mr P Srinivasa Setty
Copy applied on 17-10-47
Copy ready on 20-10-47
Copy delivered on 20-10-47
Copied by S Lakshminarayana Setty
Compared by P Venkatasayoolu
Copying and comparing fee 0-9-0

"TRUE COPY"

for Chief Commissioner,
Bangalore City Municipality.

THE CITY MUNICIPALITY OFFICE BANGALORE CITY

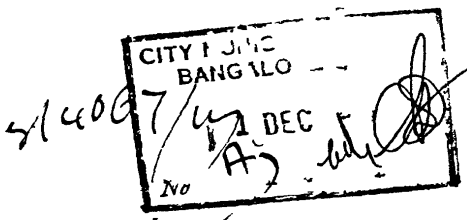
Memo no L 12'93 dated 29 11 47

Forwarded with Compliments, to the

Municipal Commissioner, Bangalore City.

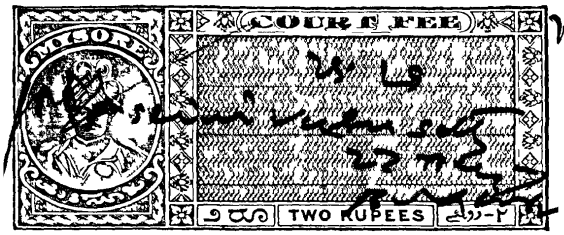
For favour of furnishing a report
on all the points raised in the petition very early
the petition may be returned with his report

for Revenue Secretary



4/4097/47

8/2/12/47



Rev 91-47-21

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE. BANGALORE.

PETITIONER - P. Srinivasa Setty,

The Petitioner has filed an Appeal before the Government on 20/11/1947 ~~application for Stay Order~~ against the granting Municipal Land to Narayanagowda No.16 Pavugada Venkatramana Naidu Lane by the Municipal Council, Bangalore City Municipality.

The said Narayanagowda is trying to construct on the land hurriedly and if he should do so there will be further complications in the disposal of this matter.

The petitioner has produced certified copies of the Proceedings granting the land to Narayanagowda which prima Facie show that the grant is liable to be set aside on grounds of illegality, impropriety and being against justice equity and good conscience.

Wherefore the Petitioner prays that pending the disposal of the matter by the benign Government ~~the Municipality may be directed to~~ a stay order may be passed prohibiting the said Narayanagowda from making any construction on the land in question.

Bangalore City,
27/11/1947

Petitioner.

9 1/5

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. L 11492/M91-47-22 Dated, Bangalore, 3 12 1947

ENDORSEMENT

Mr.P. Sreenivasa Setty,
Fruit Merchant,
No.165, Pavagada Venkataramana Naik Lane,
Bangalore City

His petitions dated 20-11-1947 and 27-11-1947 against the grant of Municipal land to Mr Narayana Gowda, No 16, Pavagada Venkataramana Naik Lane, by the Bangalore City Municipal Council, have been registered and are receiving attention. The authorities concerned have been instructed that, pending orders on these petitions, further proceedings in the matter should be stayed.

By Order,

S/d Syed Abdul Aleem
Secretary to Government,
Revenue Department.

Sd. Syed Abdul Aleem.

msr-28

P.T O.

Memo No L. 11493 Bangalore, dated 3-12-1947.

Copy of the foregoing is forwarded with compliments to the Commissioner, City Municipality, Bangalore, for information in continuation of this office Memo No.L.11293 dated 29-11-1947.

2. Pending disposal of the appeal petition filed by Mr P. Sreenivasa Setty, Government direct that further proceedings in the matter should be stayed.

3. Submission of the report already called for in this behalf should be expedited.

By Order,

3/12/47

for Secretary to Government,
Revenue Department.

Immediate

L. 11809/E

16/12/47

The Municipal Commr

Bangalore City

Subj - Protest against the grant of Municipal land to Mr Narayana Gowda - No 16 Parapeda Venkatāramana Naik lane

Sir,

In continuation of this office memo No L 11493 dated 3-12-47, I am directed to forward herewith (in original) another petition dated 9-12-47 received from the V Freemason's Society, requesting that the stay order may be served on the building under construction by Mr Narayana Gowda, and to request that the necessary unlawful action may be taken and the report called for in this office memo no L 11293 dated 29-11-47 may be submitted to Govt very early

Yours faithfully

for Revenue Secy

By 11-12-47

ML 91-47-22

BANGALORE CITY MUNICIPALITY

No A7.D R 126/46-47

Encl One petition & copies

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

MUNICIPAL OFFICES,
BANGALORE CITY.
Dated 19th January 1948

4285/ml
26 JAN 1948
SECRETARIAT BRANCH

To

Syed Abdul Aleem, Esq, B A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

REVENUE SECTION
No L 11493
GOVT OF MYSORE

Sir,

Subject:- Protest against the grant of Municipal land to Mr Narayana Gowda, No 16, Pavagada Venkataramana Naik lane

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With reference to your memo No L 11493 dated 3-12-1947 forwarding for report the petition of Mr P Srinivasa Setty on the above subject, I have the honour to state that in spite of legal difficulties that license once granted for the construction of a building cannot be cancelled, a notice was issued to Mr Narayana Gowda on 6-12-1947 directing him to stop further construction until further orders in the matter As Mr Narayana Gowda was not in the station and his correct address was also not known, the notice was however served on the building under a mahazar dated 10-12-1947

2 In this connection I am to state that the allegations contained in para 1,2,3 & 4 of Mr Sreenivasa Setty's petition are correct Nevertheless it is needless to point out that the Municipal Council were at liberty to dispose of the vacant land in question despite the decisions of the previous Municipal Council to the contrary

3 The allegation that Mr Narayana Gowda tried in 1947 to obtain the margin land is incorrect and against the facts of this case Mr Narayana Gowda applied for the grant of margin land on 18-6-1946 i e, much earlier than Mr Sreenivasa Setty's first application which was dated 2-1-1947 and subsequent to the date of the resolution of the City Improvement Committee and the Municipal Council dated 18-10-1946 and 7-12-1946 respectively granting the land in favour of Mr Narayana Gowda It was only after the receipt of the said

p t o

said application from Mr P Sreenivasa Setty, the Municipal Engineer whose report was called for opined that the matter might be placed before the City Improvement Committee for reconsideratic in view of Mr Sreenivasa Setty's claim for half of the vacant land on the ground of his easement rights over the same But when the subject according to the opinion of the Municipal Engineer was placed before the City Improvement Committee, they at their meeting held on 22-4-1947 upheld the previous resolution of the Municipal Council dated 7-12-1946 granting the land in favour of Mr Narayana Gowda and rejected the application of Mr P Sreenivasa Setty In the circumstances Mr Narayana Gowda paid the sum of Rs 1048-8-0 and took possession of the land on 27-5-1947

4 A report to this effect has already been submitted to Government in this office letter No A7 D R 126/46-47 dated 10-9-1947 with reference to their letter No L 17124 dated 19-6-1947 and an endorsement was also sent to Mr P Sreenivasa Setty by post which was returned to this office with the remarks "address clear not known"

5 The land was given away to Mr Narayana Gowda at Rs 15/- per sq yard which is the existing market value of the surrounding locality At this rate the value of the margin land amounts to Rs 1048-8-0 requiring no sanction of Government under Sec 41(2) of the M C M Act Even at the rate of Rs 20/- offerred for the land by Mr P Srinivasa Setty in his application dated 13-2-1947, the total value of the land amounts to Rs 1398/- only

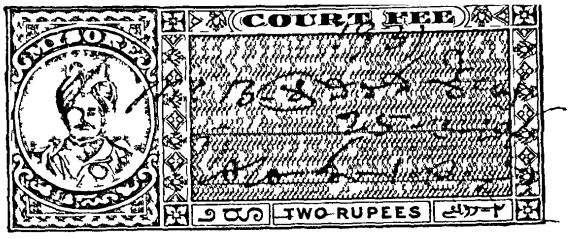
6 The spot was also inspected by me along with the Municipal Engineer on the 18th ultimo when the building had come up to the roof level and was nearing completion In view of this and of the circumstances explained above as well as in this office letter No A7 D R 126/46-47 dated 10-9-1947 the matter may kindly be dropped

The appeal petition and copies of the extracts of the City Improvement Committee and award bill sent with the above reference are herewith returned for favour of reference

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

File has been returned with the orders of the minister
12/6



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, B A N G A L O R E

~~2) MUNICIAPAL COMMISSIONER, CITY MUNICIPALITY, B A N G A~~ L O R E.

Petitioner - P Srinivasa Setty, No 165 Pavagada Venkataramana Naiker Lane, Thigalarpet, Bangalore City

1 The petitioner has filed an appeal before the Government on 20-11-1947 against the granting municipal land to Narayana Govda, No 16 Pavugada Venkataramana Naika lane, by the Municipal Council Bangalore City Municipality A stay Order has been issued by Government

2 The said Narayana Gowda is constructing the building even without caring for the stay Order from Government The Municipal Commissioner has also cancelled the license granted to him but the said Narayana Gowda is even now constructing the house and today he is making a fresh construction for the first floor He is getting work done both day and night

3 The petitioner has produced certified copies of the proceedings granting the land to Narayana Gowda which prima facie show that the grant is liable to be set aside on grounds of illegality, impropriety and as being against Justice equity and good conscience

WHEREFORE -

WHEREFORE the petitioner prays that pending the disposal of the matter by the Benign Government, the Stay Order may kindly be enforced by taking suitable steps and thus preserve the - dignity of both Municipality and the Government

BANGALORE
D/25-8-1948

Petitioner

For Kindly [illegible]
the file has been received
from P. A. to the
Minister for air [illegible]
Langam.

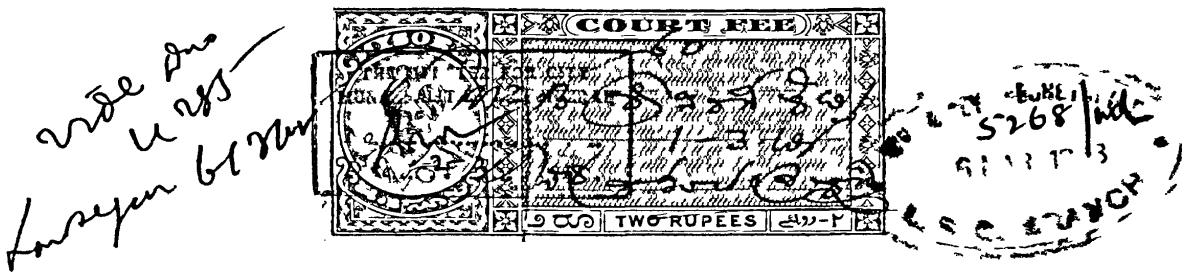
6/4/48

File is returned herewith
with two notes of the
minister

12/4/48

13/4/48

T E L E G R A M F O R C O Y
MU[illegible] C[illegible] ALIT[illegible] A[illegible] J[illegible] GARH
No 1920
Date 8 4 [illegible]48



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF MYSORE, B A N G A L O R E

Petitioner P Srinivasa Setty, Fruit Merchant, No 165 Pavagada Venkataramana Naik Lane, Bangalore City

Re - Grant of a land to Narayana Gowda by the Bangalore City Municipality.

The petitioner most respectfully begs to state as follows

1 That on 20-11-47 he filed a petition praying that grant of the land to one Narayana Gowda

2 The said petition was sent to the Bangalore City Municipality and a report was called for and the petitioner now understands that the Municipality has made a report

3. The petitioner begs to submit that to arrive at a just decision in the matter the following documents papers are absolutely necessary

i) The original proceedings and papers - relating to the acquisition of the land as per Gazette Notification dated 26-3-1930 and L A.C 87 of 1929-30,

ii) City Municipal Council resolution dated 25-11-31 refusing to give back the land to the original owner V Papanna,

iii) City Municipal Council resolution dated 15-12-1942 refusing to give the land to Dodda Venkatamma and others,

iv)

iv) City Municipal Council resolution dated 26-7-1947 granting half of the land to the petitioner and the other half to Narayana Gowda (The petitioner understands that Mr Ambrose Ananda moved the said resolution)

v) The papers and proceedings relating to the grant of the land to Narayana Gowda together with the report of the Municipal Engineer and other Officers;

4 The petitioner respectfully begs to submit that without the above papers a just decision cannot be arrived at

5. The petitioner further submits that it is - inequitable and unjust that a private land compulsorily acquired for public purposes should be disposed of to one private individual disregarding the resolutions and opinions of Officers on the subject

6 That after the entire records are received, the petitioner prays that he may be given an opportunity to represent his case before the Honourable Minister.

BANGALORE
D/1-3-48.

Petitioner

THE PRINCIPAL STEP FOR CITY MUNICIPAL TAX AND MUZRAI
No T579
Date 6-3-1948

To
The Revenue Secretary
to get all the records details above to enable me to dispose of the case on its merits

6/3

Land was
a public purpose when
it was required. Can it
now be sold

The vacant land in question was acquired for a specific public purpose, viz , the construction of a public latrine ~~at the place~~ or for the construction of a cattle-shed ~~at the place~~ after undergoing all the formalities contemplated under the Land Acquisition Act It is reported that neither the public latrine nor the cattle-shed was constructed and that ~~it~~ the land was sold to one Mr Narayana Gowda who applied for the site The question to be decided at present is whether the land in question which was stated to be required for a public purpose and acquired under the provisions of the Land Acquisition Act after notifying that it was required for a public purpose, can be sold subsequently notwithstanding the fact that it was not utilised for the public purpose for which it was acquired

It is seen from discussions in paras 36 & 37 of the Notes in the File that such a land can be used for another legal purpose so long as no nuisance is created and that a Municipality is justified in using the land for any purpose for which the statute authorised it to use although for which it was professedly taken

The Land Acquisition Act ~~on~~ which embodies specific provisions for acquiring the vacant lands for public purposes, makes no mention about the disposal of such a land in the event of the Municipality or Government, which ~~requires~~ aquires it, not utlising it for the specific purpose for which it was acquired There is no provision under that Act which prevents Government from selling it to any person even though it is not utilised subsequently for the purpose for which it ~~was~~ is acquired

In the present instance, the Municipal Commissioner contends that Mr Narayana Gowda, ~~in whose favour~~ to whom the land was ~~transferred~~ sold subsequently, applied for the grant of the land much earlier than the petitioner Mr Srinivasa Setty, and that on the receipt of the petion of Mr Narayana Gowda, the City Municipal Council and the City Improvement Committee granted the land in favour of Mr Narayana Gowda It has also been pointed out that under Section 41 (2) of the Mysore City Municipalities Act it is not necessary that the sanction of Government should be obtained ~~for taking action~~ in selling the land to the party, as the value of the land in question amounts to Rs 1048/8/0

It is seen from Section 41(2) of the ~~Section 41(2)~~ City Municipalities Act that sanction of Government should be sought for in cases where the value of the property exceeds Rs 2,000/-

In view, however, of the representations made by the petitioner Mr Srinivasa Setty, it is a point for orders as to whether the City Municipality may be requested to reconsider their decision in the matter and to grant the request of the petitioner to the extent possible

Though the sale of a ~~ethical~~ person does not appear to be equitable, there is nothing legally objectionable in it. It would have been better if the land was sold or returned back to the original owner

(Law Secy) 19/3

Appendix F G—1]

SUBJECT Protest against the grant of municipal land to Mr. Narayana Gowda - No. 16 - Pavagada Venkatarayana Naik lane, Bangalore

Section Misc
File No 91-47
Serial No 48

Diary No of letter replied to 1486

No L 16221/E

General and Revenue Secretriat

( )

the 194

To

The Municipal Commr
Bangalore city
(Through the President)

Date of issue 24 Oct 48

Sir,

With reference to the correspondence ending with your letter No A 7 D R 126/46-47 dated 19-1-48 on the above subject, I am directed to point out that the vacant land in question was acquired in the year 1929-30 for a specific public purpose, viz the construction of a public latrine, after undergoing all the formalities contemplated under the L A Act. It is seen from the papers that the land in question had been kept vacant also from time to

Signed by

List of enclosures

Copied by

Examined by

time and that neither public latrine nor the cattle shed was constructed and that the land was sold to one Mr Narayana-Gowda, ~~[illegible]~~ -

Though the person from whom the land was acquired had applied for the land being sold back to him, as it was not used for the purpose for which it was acquired when a land is acquired for a specific purpose, it is not ordinarily open to the Authorities to use it for a different purpose, but it has been held in a case before the Privy Council that it may be so used for other authorised purposes. It was held in AIR 1927 Calcutta 87 that a Municipality is justified in using the land for any purpose for which the Statute authorised it to use the land although not for which it was originally taken. The land in the above case was acquired for a public ghat, but the Municipality made a ghat upon a part and used the rest for a market

Legal aspect in the matter is to be obtained in the above cases

The land in the above case was acquired for a public ghat but the Municipality made a ghat upon a part and used the rest for a market

In these circumstances, the original petition dated 17-11-47 received from Mr P Sreenivasa Reddy praying for the grant of the land in question, is herewith returned for such action as they may think fit.

Yours faithfully

Pr. 13/4/48 16/4/48

Revenue Secy to Govt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L. 16221/mh 91-47-48 **General and Revenue Secretariat,**

Dated Bangalore, 24 4 194 8

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore
Revenue Department.

To

The Municipal Commissioner,
Bangalore City.
(through the President)

SIR,

Subject - Protest against the grant of Municipal land to Mr. Narayana Gowda, No.16, Pavagada Venkataramana Naik Lane, Bangalore.

With reference to the correspondence ending with your letter No. A7.D.R.126/46-47 dated 19th January 1948 on the above subject, I am directed to point out that the vacant land in question was acquired in the year 1929-30 for a specific public purpose, viz., the construction of a public latrine, after undergoing all the formalities contemplated under the Land Acquisition Act. It is seen from the papers that the land in question had been kept vacant also from time to time and that neither Public Latrine nor the Cattle shed was constructed and that the land was sold to one Mr. Narayana Gowda though the person from whom the land was acquired had applied for the land being sold back to him, as it was not used for the purpose for which it was acquired. When a land is acquired for a specific purpose, it is not ordinarily open to the Authorities to use it for a different purpose, but it has been held in a case before the Privy Council that it may be so used for other authorised purposes. It was held in A I R 1927 Calcutta 874, that a Municipality is justified in using the land for any purpose for which the Statute authorised it to use the land although not for which it was professedly taken. The land in the above case was acquired for a public ghat, but the Municipality made a ghat upon a part of it and used the rest for a Market

In these circumstances, the original petition dated 17th November 1947 received from Mr. P Sreenivasa Setty praying for the

p.t.o.

the grant of the land in question is herewith returned and may be brought to the notice of the Council for such action as they may think fit.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Revenue Department.

L 16222 / ML 91-47-49
24 4 48

Endorsement granted to

Mr P Sreenivasa Setty

Fruit merchant No. 165 Pavagada

Venkatāramana Naik Lane -

Bangalore City

~~Mr Confirmation~~

Copy granted of the Municipal land in Pavagada Venkatāramana Naick's Lane - to Mr P Sreenivasa Setty

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Mr Confirmation of this office endorsement No L 11492 / ML 91-47-22 dated 3-12-47 on the above subject, the petitioner is informed that he may approach the Municipal Commissioner Bangalore City in the matter

By Order

13/4/48.

Memo No dt 16223 for Revenue Secy
24 4 48

Copy sent to the Municipal Commissioner

Barcelona ref – for information

Confirmation of this office letter
dated 21 [illegible] 91-07-681

A.O.

P. Blair
for Revenue